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OFFICE OF PENDING

In re Application of :  
Hans-Peter Call :  
Application No. 09/446,373 : LETTER  
Filed: July 11, 2000 :  
Attorney Docket No. 21373.003 :

This is in response to the paper titled "Ref.: RESPONSE TO THE DECISION ON PETITION FROM JUNE 28<sup>TH</sup>; 2004, PERSUANT [sic] TO 37 CFR 1.137(b), TO REVIVE THE ABOVE IDENTIFIED APPLICATION".

decision on the petition filed on May 18, 2004, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed October 25, 2002. This Office action set a shortened statutory period for reply of three (3) months. On April 25, 2002, applicant filed an amendment, made timely by obtaining a three month extension of time. However, the amendment failed to place the application in condition for allowance. Accordingly, the application became abandoned on April 26, 2002. A Notice of Abandonment was mailed on May 20, 2003. Applicant submitted a Notice of Appeal on November 19, 2003. However, the Notice of Appeal was defective for two reasons. First, the application was in abandoned status, and applicant had not filed a grantable petition to revive. Second, the Notice of Appeal was not accompanied by the proper fee. At that time, the fee for the filing of a Notice of Appeal was \$165 for a small entity - applicant had only submitted \$160.

On May 18, 2004, applicant filed a petition to revive under 37 CFR 1.137(b), together with the balance of the fee for the Notice of Appeal. The petition was granted on June 28, 2004, and the Notice of Appeal was entered.

Applicant was advised that he had two months from June 28, 2004 to file an **Appeal Brief (not a Notice of Appeal)** in triplicate.

Instead, on August 27, 2004, applicant has by facsimile transmission filed an additional **Notice of Appeal**.

As the two month period to file a Notice of Appeal has now expired, applicant must purchase a one, two, three, four, or five month extension of time in order to submit his Appeal Brief (in triplicate).

The application file is being returned to Group Art Unit 1651 to await for applicant's submission of the Appeal Brief in triplicate.

Telephone inquiries specific to this decision should be directed to the undersigned at (703) 305-0272.

*Cliff Congo*

Cliff Congo  
Petitions Attorney  
Office of Petitions